IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 4211 OF 2005
IN
CRIMINAL APPEAL NO.396 OF 2005

Mahesh Sundar Shetty. ..Applicant.

V/s.

The State of Maharashtra. ..Respondent.

Ms.Varsha Sawant i/b Smt.Smita Shetkar for applicant.

Mr.U.V.Nikam, APP for State.

CORAM: A.M.KHANWILKAR,J

DATE : DECEMBER 5, 2005.

P.C. :

1. Heard counsel for the parties.

2. Appeal preferred by the applicant against the order of conviction for offence punishable under section 392 of the I.P.Code is already admitted by this court on 21st July, 2005. It is not in dispute that the applicant has already undergone over three years of imprisonment. There are no antecedents against the applicant as is stated by the learned APP on instruction. It is unlikely that the appeal will be heard in near future, as presently, appeals prior to 1995 are still pending for hearing. The sentence awarded is short sentence of seven years, out of

which substantial sentence has been undergone. Besides, the applicant was on bail during the trial and there is nothing on record to suggest that the applicant has misused the bail, so granted. Taking over all view of the matter, in the interest of justice, applicant deserves to be enlarged on bail on strict conditions as follows :

(A) The applicant is enlarged on bail in connection with the C.R.No. I-79 of 1999 registered at Kopari Police Station, on furnishing bail bond in the sum of Rs.25,000/- with one or two local sureties in like amount.

(B) Applicant shall regularly report to the concerned police station once in a month on first Monday on every English Calender month between 10 a.m. to 12 noon.

(C) The applicant shall make himself available, as and when required by this court.

(D) The applicant shall furnish his latest address to the concerned Police

Station, where he intends to stay during the pendency of the appeal.

(E) The applicant shall deposit passport with the concerned Police Station. If there is no passport, applicant to file affidavit in that behalf.

3. Application is disposed of in the above terms.